

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

EXSO CHANDLER

PLAINTIFF

V.

CIVIL ACTION NO. 3:11-cv-84-DPJ-FKB

SHERIFF MIKE LEE, ET AL.

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation [55] of the United States Magistrate Judge, after referral of hearing by this Court. Plaintiff is a state inmate housed at the Mississippi State Prison in Parchman, Mississippi. This action arises out of his previous incarceration at the Scott County Detention Center. Plaintiff filed a motion for a preliminary injunction [11], seeking an order directing the Scott County Detention Center to provide adequate legal assistance to inmates. Magistrate Judge F. Keith Ball recommended denial of Plaintiff's motion for a preliminary injunction, noting that Plaintiff cannot meet the requirement of irreparable injury because he is no longer housed at the Scott County Detention Center. *See Miss. Power & Light Co. v United Gas Pipe Co.*, 760 F.2d 618 (5th Cir. 1985) (setting out the four-part test for injunctive relief). Judge Ball also concluded that Plaintiff had not alleged facts indicating that any of the other prerequisites could be met. *Id.*

Plaintiff's one-page "Motion: Plaintiff's Written Objection to Denying Preliminary Injunction" [64], asks the Court to consolidate a hearing on the preliminary injunction with a trial on the merits. The Court declines to do so. Plaintiff offers no other arguments in opposition to the Report and Recommendation. As such, the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge, and being duly advised in the premises, finds that the Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation [55] of United States Magistrate Judge Ball be, and the same is hereby, adopted as the finding of this Court. Plaintiff's motion for a preliminary injunction [11] is denied.

SO ORDERED AND ADJUDGED this the 24th day of January, 2012.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE